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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,244	04/22/2005	Kenji Suzuki	270625US0PCT	9148

22850 7590 06/18/2007
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

TESKIN, FRED M

ART UNIT	PAPER NUMBER
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1713

NOTIFICATION DATE	DELIVERY MODE
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06/18/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/532,244	Applicant(s) SUZUKI ET AL.	
	Examiner Fred M. Teskin	Art Unit 1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____. |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :20050422; 20050609; 20060522; 20070514.

The preliminary amendment of April 22, 2005 has been entered. Claims 1-5 are currently pending and under examination herein.

Claim 1 is objected to because of the following informalities: in line 1, "containing" has been lined through but no transitional term has been inserted in its stead (*cf.*, claim 2, line 2).

Appropriate correction of the specification is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of WO 01/90818; WO 00/00546; and US 5250389 (Nakamura et al).

Applicants' claims 1-4 are drawn to a curable resin composition, comprising an addition polymerization-based block copolymer (I) and an ethylenic unsaturated compound (II), wherein:

the addition polymerization-based addition block copolymer (I) is selected from block copolymers comprising at least one polymer block A and at least one polymer Block B, and the hydrogenated products thereof; the polymer block (A) essentially comprises at least 1 % by mass of an alkylstyrene-derived structural unit (a) in which at

Art Unit: 1713

least one alkyl group having 1 to 8 carbon atoms is bound to a benzene ring; the polymer block (B) essentially comprises a conjugated diene compound unit; and at least the moiety of polymer block A can undergo crosslinking upon exposure to an active energy ray. Claim 5 is drawn to a flexographic plate material, comprising the curable resin composition according to claim 1 as a constituent.

Each of the cited documents discloses a curable resin composition with utility in flexographic printing plate materials, which meets the terms of the rejected claims.

Thus WO '818 and WO '546 each disclose a photo-curable resin or polymer composition, comprising one or more block copolymer(s) comprised of at least two blocks of polymerized mono-vinyl aromatic monomer units (blocks A) and at least one block of polymerized conjugated diene monomer units (block B); an ethylenically unsaturated agent; and photoinitiator; and wherein the content of the A blocks, or the poly(mono-vinyl aromatic) content of the first block copolymer, is expressed as a weight percent range with a lower endpoint well above the minimum value specified in claim 1 for structural unit (a). See WO '818 at page 3, line 30 to page 4, line 20 and WO '546 at page 3, line 24 to page 4, line 30. Further, in each document, there are mentioned only two specific types of mono-vinyl aromatic monomer from which the blocks A may be formed: styrene and various alkylstyrene species, including p-methylstyrene as per claim 4. (WO '818 at page 5, line 30 to page 6, line 2 and page 13, claim 10; and WO '546 at page 6, lines 25-30.) Each of the specific alkylstyrene compounds named therein contains an alkyl group as defined in claim 1.

Accordingly, one of ordinary skill informed by the teachings of the reference would not have had to choose judiciously from a genus of possible combinations of polymer blocks to arrive at the curable resin composition claimed herein. *Cf., In re Sivaramakrishnan*, 213 USPQ 441, 442 (CCPA 1982). Consequently, the presently claimed composition and material are considered anticipated by WO '818 or WO '546.

In any event, the Nakamura et al patent does provide a concrete example of a photo-sensitive resin composition containing a poly(α -methylstyrene)-polybutadiene-poly(α -methylstyrene) block copolymer, having an α -methylstyrene content of 30 %, from which a flexographic plate was produced: See Example 7 (col. 13), wherein the composition was obtained in accordance with Example 1 except for the difference in block copolymer composition. As such, patentees' Example 7 is seen to describe a composition containing the requisite components of applicants' composition as claimed. In light of the identity in composition, the recitation in claim 1 of the feature that the moiety of polymer block A "can undergo crosslinking" upon exposure to an active energy ray merely amounts to recognition of a latent property of a prior art composition, which in and of itself does not render the old composition patentable. See MPEP 2112 (I)-(II). Accordingly, claims 1-5 are deemed fully met by Nakamura et al.

No claims are allowable at this time.

Any inquiry concerning this communication should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be

Art Unit: 1713

reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FRED TESKIN
PRIMARY EXAMINER
1713

FMTeskin/06-09-07